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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

JACOB MANDEL, et al.,

Plaintiffs,

v.

BOARD OF TRUSTEES of the CALIFORNIA  
STATE UNIVERSITY, et al.,

Defendants.

**Case No. 17-cv-3511-WHO**

**PLAINTIFFS' RESPONSE TO  
PROPOSED AMICUS "JEWISH  
STUDIES SCHOLARS"  
UNAUTHORIZED REPLY BRIEF  
[ECF NOS. 149-50]**

1 On June 8, 2018, David L. Mandel, counsel for proposed amicus “Jewish Studies Scholars,”  
 2 filed a “Reply to Plaintiffs’ Opposition to Jewish Studies Scholars’ Motion for Leave to file Amicus  
 3 Curiae Brief.” (ECF Nos. 149, 150 (Errata), the “Reply”).

4 Such a reply brief is not permitted. By operation of Civil Local Rule 7-11(c), “a Motion for  
 5 Administrative relief is deemed submitted for immediate determination without hearing on the day  
 6 after the opposition is due.” Plaintiffs’ Opposition was due and was filed on May 22, 2018 (ECF  
 7 No. 140) and proposed Amici’s motion was thus deemed submitted for immediate determination on  
 8 May 23, 2018. Thereafter, “[u]nless otherwise ordered” by the Court, no further submissions were  
 9 appropriate, and no such order has been made. To the extent that “Jewish Studies Scholars” claim  
 10 their motion is not governed by Local Rule 7-11, they have offered no explanation supporting that  
 11 argument (either in their filings or in response to attempts to meet and confer). Further, their motion  
 12 did not comply with the notice requirements of Civil Local Rule 7-2. *See, e.g.*, Civ. L.R. 7-2(b)(2)  
 13 (requiring the noticed hearing date and time be included in the first paragraph of the motion).

14 Plaintiffs’ counsel wrote to Mr. Mandel via email, on June 16, 2018, to inform him that his  
 15 filing was improper and requesting that it be voluntarily withdrawn. Having received no response,  
 16 Plaintiffs’ counsel sent a second email on June 19, 2018, to follow up and inquire whether Mr.  
 17 Mandel would withdraw the filing or had any other response. To date, Plaintiffs have received no  
 18 response from Mr. Mandel or the “Jewish Studies Scholars” offering any basis for filing the Reply.

19 Plaintiffs request that the Court disregard “Jewish Studies Scholars’” improper Reply in its  
 20 entirety and deny “Jewish Studies Scholars’” motion for leave to file an amicus brief (ECF No. 138).  
 21 A proposed order to that effect is filed concurrently with this response.

22 Dated: July 2, 2018

WINSTON & STRAWN LLP

23 By: /s/ Seth Weisburst  
 24 Seth Weisburst

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